

{In Archive} Re: requested update



11/05/2010 08:36 AM

Ray Leissner to: Ben Knape

Cc: Philip Dellinger

Ray Leissner/R6/USEPA/US From:

"Ben Knape" <BKNAPE@tceg.state.tx.us> To: Cc: Philip Dellinger/R6/USEPA/US@EPA

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## Hi Ben.

I emailed NMED and got a response back from George Schuman stating that John Hall had submitted comments earlier (I assume to EPWU) and that they have been addressed. John is on vacation this week but I intend to discuss this matter with him. I'm a bit concerned that they find the latest modeling acceptable. I know we don't and although NM is a big hurtle to overcome we (staff level) simply can't accept it. It would be difficult to defend as a valid, plausible description of the plume's shape and size.

Acquiring a plausible shape and size is just the starting point with this exemption. There are numerous other concerns standing behind that one that you and I have covered already. I can't say how management is going to view this if/once we had a model we could support. There is much subjectiveness that must be dealt with above my pay grade. I am however hopeful that the lack of concern by NMED, voiced by George, can translate to a willingness by NM to consider a temporary aguifer designation on their side of the border if the acceptable plume model so requires. I don't know this, I'm just saying,...

I'm looking to you to carry on any dialogue you feel appropriate with EPWU or LBG-Guyton at this stage. I would not feel comfortable talking to either party at this time w/o our management's input and w/o TCEQ on the call. I'd appreciate updates from you on any important developments occur at your end. I will keep you informed like-wise. Thanks.

Ray Leissner, Env. Eng. Ground Water / UIC Section (6WQ-SG) (214) 665 - 7183 USEPA, Region 6

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11/04/2010 05:20:54 PM "Ben Knape" Ray: Thanks for the email. Concerning NMED r...

From: "Ben Knape" <BKNAPE@tceg.state.tx.us> Ray Leissner/R6/USEPA/US@EPA To:

Date: 11/04/2010 05:20 PM Subject: Re: requested update

## Ray:

Thanks for the email. Concerning NMED reportedly having no more issue with El Paso's proposal, did y'all hear that from them or from El Paso's representatives? When we contacted NMED at the program staff level, we were told that they had heard El Paso' presentation on the revised modeling representing that the wastewater will not enter New Mexico, but we were informed that NMED staff had not been able to review the material yet and ask questions, so NMED staff and management hadn't taken a position on the revised modeling yet.

Please send us another email summary if and when the briefing with your management does occur. Also, we want to work with you on trying to get a time and place picked out for a conference call that can involve management of both agencies.

Thanks again.

-Ben Knape TCEQ

>>> <Leissner.Ray@epamail.epa.gov> 11/4/2010 2:49 PM >>> Ben.

The briefing of division management was postponed. Miguel is on a delayed flight.

We went ahead with a dry run of the discussion among staff. Our Associate Director, Stacey Dwyer, was the highest management present. All I can say is there seems to be a staff level consensus that the modeling requirement is prudent and the modeling provided should go back to the drawing board. We have zero confidence in its findings, due to several concerns, not the least of which is the lack of appropriate data. While we now understand that NMED has no more issue with it as is, we remain concerned for it's accuracy on several counts. The model will determine the areal extent of the exemption. We will be able to go into more detail with you on this once (or if) we are assured that our division level management shares and supports our positions.

We also discussed the idea of imposing deed restriction. I informed the group that TCEQ staff had tried this before and it was turned away at the political level. Our group seems ready to support the matter with management as well. I don't know when the briefing will be rescheduled but soon I suspect. I hope this helps. Thanks.

Ray Leissner, Env. Eng. Ground Water / UIC Section (6WQ-SG) (214) 665 - 7183 USEPA, Region 6

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